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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,187	09/17/2003	Michael J. Munchhof	PC25292A	9326
28523	7590	11/23/2005	EXAMINER	
PFIZER INC. PATENT DEPARTMENT, MS8260-1611 EASTERN POINT ROAD GROTON, CT 06340			OWENS, AMELIA A	
			ART UNIT	PAPER NUMBER
			1625	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/667,187	Applicant(s) MUNCHHOF ET AL.	
	Examiner Amelia A. Owens	Art Unit 1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 9, 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 10-12 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. New claims 14,15 have been added. Claims 1-12,14,15 are pending.

Election

2. Applicants election with traverse of example 58, particularly X=sulfur and R1 =benzopyrimidine is noted. The elected invention has been examined.

Further, the search has been expanded and the following searched: X=sulfur; R1 as defined in claim 1 presented 7/14/2005; R2a/R3/R4 as defined in claim 1 presented 7/14/2005; S=0-5.

3. Claim 9, that limits X=oxygen, is withdrawn. Claims 14, 15 that contain species where X=oxygen are withdrawn.

Claim Rejections - 35 USC § 112

4. The rejection of claims 1,11,12 under 35 USC 112, 2nd paragraph, has been dropped as the claims have been amended.
5. The rejection of claim 1,12 under 35 USC 112, 1st paragraph, has been dropped as the claims have been amended.
6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

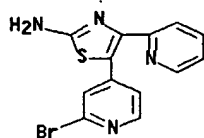
The claim contains the terms 'acid' and 'ester' which are ambiguous. The metes and bounds of the terms cannot be ascertained.

Claim Rejections - 35 USC § 102

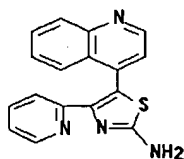
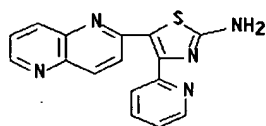
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4,10,11,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gellibert CA 137:169512 (page 29/30 of the search notes) that teach species according to the invention. Note X=sulfur; R4=NH₂ ; R1=pyridine substituted with Br (halo). The compounds are transforming growth factor-beta inhibitors.

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8. Claims 1,5,10,11,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gellibert et al CA 137:169511 (page 30/31 of the search notes) that teach species according to the invention. Note X=sulfur; R4=NH₂ ; R1=naphthyridine or R1 =quinoline. The compounds are transforming growth factor-beta inhibitors.



Claim Objections

9. Claims 2,3,6-8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Certain Observations

10. Transforming growth factor beta (TGF-beta) is known to accelerate wound healing, reduce scarring and prevent fibrosis. See O'Kane et al, Review Transforming Growth Factor s and Wound Healing, Int. J. Biochem. Cell Biol. 29(1), 1997, pp.63-78, abstract, page 71 2nd full paragraph.


TGF-beta is known to be linked to diabetic nephropathy. See Kidney International, Vol. 54 (1998), pp 1390-1391, particularly page 1390 column 2 last paragraph.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amelia A. Owens whose telephone number is 571-272-0690. The examiner can normally be reached on Monday - Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Amelia A. Owens
Primary Examiner
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